

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGOR LESNIK, et al.,

Plaintiffs,

v.

EISENMANN SE, et al.,

Defendants,

AND RELATED COUNTERCLAIMS.

Case No. 16-cv-01120-BLF

**ORDER CLARIFYING WHICH
PARTIES AND CLAIMS REMAIN IN
THE CASE; DIRECTING CLERK TO
TERMINATE DISMISSED PARTIES;
SUBMITTING PENDING MOTIONS
FOR DECISION WITHOUT ORAL
ARGUMENT; AND DIRECTING
PLAINTIFFS TO FILE CHAMBERS
COPIES OF PENDING MOTIONS**

[Re: ECF 613, 614, 615]

This case was reassigned to the undersigned judge in January 2022, after being litigated for many years before Judge Lucy H. Koh. *See* Order Reassigning Case, ECF 602. At this Court's direction, Plaintiffs filed a Status Report advising which parties and claims remain in the case. *See* Status Report, ECF 605.

Remaining Parties:

Plaintiff Stjepan Papes, proceeding individually, is the only remaining plaintiff with viable claims. The only remaining defendants are those listed below, who have defaulted:

ISM Vuzem d.o.o.
ISM Vuzem USA, Inc.
Vuzem USA, Inc.
Robert Vuzem
Ivan Vuzem
HRID-Mont d.o.o.

All other defendants have been dismissed. *See* Status Report, ECF 605.

Remaining Claims:

Of the thirteen claims asserted in the operative third amended complaint (ECF 269), three remain: Claim 2 for minimum wages under the Fair Labor Standards Act (“FLSA”), Claim 3 for overtime wages under the FLSA, and Claim 9 for trafficking and coerced labor under the Trafficking Victims Protection Reauthorization Act (“TVPRA”). Those claims have been the subject of prior motions before Judge Koh, as discussed below in the context of Papes’ currently pending motions.

Pending Motions:

Papes has filed three motions that are pending before this Court.

(1) Renewed Motion for Default Judgment on Claims 2 and 3

Judge Koh denied without prejudice Papes’ three prior motions for default judgment on Claims 2 and 3 brought under the FLSA. *See* Order, ECF 587. Papes has filed a renewed motion for default judgment on those FLSA claims, which is set for hearing before this Court on February 2, 2023. *See* Papes’ Renewed Mot. for Def. Jud., ECF 613.

(2) Administrative Motion to Seek Reconsideration

Judge Koh granted in part and denied in part Papes’ prior motion for default judgment on Claim 9 brought under the TVPRA. *See* Order, ECF 586. Judge Koh granted the motion for default judgment against Defendants ISM Vuzem d.o.o., ISM Vuzem USA, Inc., Robert Vuzem, and Ivan Vuzem, awarding \$305,500 in compensatory damages and \$305,500 in punitive damages against those defendants. *See id.* Judge Koh denied Papes’ motion for default judgment against Defendants Vuzem USA, Inc. and HRID-Mont, d.o.o. *See id.* Judge Koh also denied Papes’ request for attorneys’ fees. *See id.* Papes has filed an administrative motion for leave to file a motion for reconsideration to allow him to seek attorneys’ fees in connection with Claim 9 under Federal Rule of Civil Procedure 54. *See* Papes’ Admin. Mot., ECF 615.

(3) Motion for Attorneys’ Fees and Costs

Papes also has filed a motion for attorneys’ fees and costs pursuant to Federal Rule of Civil Procedure 54, which is set for hearing on February 2, 2023. *See* Papes’ Mot. for Reas. Attys.’ Fees and Costs, ECF 614.

The pending motions are hereby SUBMITTED for decision without oral argument. *See* Civ. L.R. 7-1(b).

Papes has not submitted chambers copies of his three pending motions, which collectively total approximately 700 pages. Papes SHALL submit chambers copies of the pending motions by October 24, 2022.

ORDER

IT IS HEREBY ORDERED:

- (1) The Clerk is HEREBY DIRECTED TO TERMINATE the following parties, which have been dismissed but remain showing as active parties on the docket:

Eisenmann SE
 Eisenmann Alagenbau GmbH & Co. KG
 Eisenmann Alagenbau Verwaltung GmbH
 Eisenmann Corporation
 Tesla Motors, Inc.
 Gregurec Ltd.
 Daimler AG
 LB Metal d.o.o.
 Primiko d.o.o.
 Magna, d.o.o.
 We-Kr d.o.o.
 Moss Servis, d.o.o.
 VV Mont, d.o.o.
 MDM Poland Sp. z.o.o.

- (2) Plaintiff Papes' three pending motions (ECF 613, 614, 615) are hereby SUBMITTED for decision without oral argument. The hearing previously set for February 2, 2023 is VACATED.
- (3) Plaintiff Papes SHALL submit chambers copies of his three pending motions, including all exhibits and evidence, by October 24, 2022.

Dated: October 17, 2022


 BETH LABSON FREEMAN
 United States District Judge